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2 UNITED STATES DISTRICT COURT
3 DISTRICT OF NEVADA
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5 TAMIR HAMILTON,

6 Petitioner,

7 v.

8 WILLIAM GITTERE, *et al.*,

9 Respondents.
10

Case No. 3:18-cv-00555-RFB-WGC

**ORDER GRANTING, IN PART,
APPLICATION TO PROCEED IN
FORMA PAUPERIS, AND GRANTING
MOTION FOR APPOINTMENT OF
COUNSEL**

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12 This action is a petition for a writ of habeas corpus by Tamir Hamilton, a Nevada
13 prisoner sentenced to death. Hamilton filed a pro se habeas corpus petition (ECF No. 1) on
14 November 21, 2018.

15 On January 15, 2019, despite already having paid the \$5 filing fee for this action,
16 Hamilton filed an application for leave to proceed *in forma pauperis* (ECF No. 8). As Hamilton
17 has paid the filing fee for this action, the Court will not waive the payment of the filing fee.
18 However, the Court will grant Hamilton *in forma pauperis* status for all other purposes in this
19 capital habeas corpus action.

20 In addition, Hamilton filed a motion for appointment of counsel (ECF No. 9). The
21 information provided in the application for leave to proceed *in forma pauperis* shows that
22 Hamilton lacks the resources necessary to employ counsel for this capital habeas corpus action.
23 Therefore, pursuant to 18 U.S.C. § 3599, and in the interests of justice, the Court will appoint
24 counsel to represent Hamilton. If appointed counsel is unable to represent Hamilton, due to a
25 conflict of interest or other reason, then alternate counsel will be appointed. Hamilton's
26 appointed counsel will represent him in all subsequent proceedings, pursuant to 18 U.S.C.
27 § 3599(e), unless and until allowed to withdraw.
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1 **IT IS THEREFORE ORDERED** that petitioner's Application to Proceed *in Forma*
2 *Pauperis* (ECF No. 8) is **GRANTED IN PART AND DENIED IN PART**. Petitioner is granted
3 leave of court to proceed *in forma pauperis*. However, payment of the \$5 filing fee for this action
4 is not waived.

5 **IT IS FURTHER ORDERED** that petitioner's Motion for Appointment of Counsel
6 (ECF No. 9) is **GRANTED**. The Federal Public Defender for the Eastern District of
7 Pennsylvania is appointed to represent the petitioner. The Federal Public Defender for the
8 Eastern District of Pennsylvania will have 30 days from the date of entry of this order to file a
9 notice of appearance as counsel for the petitioner or to file a notice indicating his inability to
10 represent the petitioner in these proceedings.

11 **IT IS FURTHER ORDERED** that the Clerk of the Court is directed to serve a copy of
12 this order on Leigh M. Skipper, Federal Public Defender for the Eastern District of Pennsylvania,
13 Capital Habeas Unit, 601 Walnut Street, Suite 545 West, Philadelphia, PA 19106.

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15 DATED this 16th day of January, 2019.

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RICHARD F. BOULWARE, II,
UNITED STATES DISTRICT JUDGE